



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY LAMONT HUBBARD

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
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18-cv-03119 (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

The Court, having considered Plaintiff's Motion for Fees pursuant to 42 U.S.C. § 406(b)(1) and all the supporting documents annexed thereto,

IT IS ORDERED that attorney fees in the net amount of \$13,827.50, which represents 25% of Plaintiff's retroactive benefits be GRANTED. When an attorney receives fees under both the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, and 42 U.S.C. § 406(b), the attorney must refund the smaller fee awarded to the claimant. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 796, 122 S.Ct. 1817, 1822 (2002). By stipulation and order, Plaintiff was awarded EAJA fees in the amount of \$7,400.00. (Dkt. 26.) Accordingly, Plaintiff's counsel must reimburse Plaintiff any fees he previously received under the EAJA.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 20, 2024
New York, New York

Copies transmitted this date to all counsel of record.